

BILL NO. S-93-12-27

SPECIAL ORDINANCE NO. S-03-94.

AN ORDINANCE concerning the issuance of revenue bonds of the sewage works of the City of Fort Wayne, other matters connected therewith, and repealing ordinances in conflict therewith.

WHEREAS, the City of Fort Wayne, Indiana (the "City") now owns and operates sewage works pursuant to I.C. 36-9-23 and other applicable laws; and

WHEREAS, the Common Council of the City of Fort Wayne deems it advisable to issue sewage works revenue bonds in original principal amount not to exceed Seven Million Five Hundred Thousand (\$7,500,000) for the purpose of providing funds for the payment of costs of improvements to the sewage works as described more fully herein (the "Project"), and incidental expenses in connection therewith and on account of the issuance of the bonds; and

WHEREAS, the Board of Public Works has heretofore employed HOWARD NEEDLES TAMMEN & BERGENDOFF ("HNTB") as consulting engineers for the Project (the "Engineer"), and the Engineer has prepared plans and specifications (which, as the same may be amended, supplemented or modified, are herein referred to as the "Plans").

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The actions of the Board of Public Works taken in connection with the Project be and the same are hereby approved, ratified and confirmed.

SECTION 2. The Project, as set forth in the Plans, is generally described on Exhibit A. The cost of the Project, as estimated by the Engineer in accord with bids for the work, is \$6,053,230, plus costs incidental thereto and on account of the issuance of the bonds.

SECTION 3. The Project is hereby
1 authorized, directed and ordered to proceed substantially
2 in accordance with the Plans.

SECTION 4. The fees for the several classes
3 of users or property to be served by the Project are the
4 fees currently in effect for the City's sewer utility, as
5 set forth on Exhibit B. The Project will not necessitate
6 an increase in such fees.
7

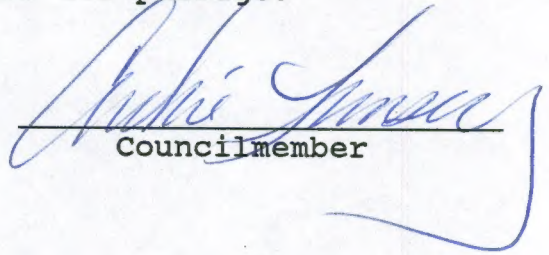
SECTION 5. The City of Fort Wayne shall
8 issue its junior sewage works revenue bonds in the
9 original principal amount of not to exceed \$7,500,000,
10 for the purpose of procuring funds to be applied to the
11 costs of the Project, plus costs incidental thereto and
12 on account of the issuance of the bonds, including the
13 funding of any reasonably required debt service reserve
14 fund. Such bonds shall be issued pursuant to the
15 provisions of I.C. 36-9-23, shall mature over a term not
16 to exceed fifteen (15) years, shall bear interest at a
17 rate or rates not to exceed seven percent (7%) per annum
18 to be determined by bidding, and shall be subject to the
19 provisions of the ordinances pursuant to which the
20 presently outstanding bonds of the City's sewer utility
21 were issued.
22

SECTION 6. All ordinances and parts of
23 ordinances in conflict herewith are hereby repealed,
24 provided, the provisions of the ordinances pursuant to
25 which the presently outstanding bonds of the City sewer
26 utility were issued shall remain in effect and shall
27 supercede the provisions of this Ordinance in the event
28 of any conflict with this Ordinance.
29

SECTION 7. If any section, paragraph or
30 provision of this Ordinance shall be held to be invalid
31 or unenforceable for any reason, the invalidity or
32 unenforceability of such section, paragraph or provision

shall not affect any of the remaining provisions of this Ordinance.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage.


Councilmember

APPROVED AS TO FORM
AND LEGALITY

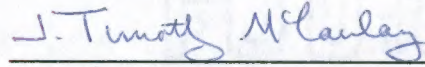

J. Timothy McCaulay
City Attorney

EXHIBIT A

Project Description

DIGESTER MODIFICATION/SLUDGE THICKENING PROJECT

Designed to add and modify equipment to thicken the
Filtration Plant's sludge.

THE MODIFICATIONS AND ADDITIONS WILL EXTEND THE DETENTION
TIME OF THE SLUDGE AND ENHANCE THE ABILITY OF THE
FILTRATION PLANT TO MEET EPA REQUIREMENTS.

EXHIBIT B

Fees

SEE CITY OF FORT WAYNE CODE OF LAWS

SECTIONS 51.065 - 51.100.

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Lunsey, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 12-28-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-11-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING) _____ ORDINANCE _____ RESOLUTION NO. J-03-94

on the 11th day of January, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1994 at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of January, 1994, at the hour of 9:15 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE THE 1994 SEWER BOND IS DESIGNED TO ADD AND
MODIFY EQUIPMENT TO THICKEN THE FILTRATION PLANT'S SLUDGE. THE
MODIFICATIONS AND ADDITIONS WILL EXTEND THE DETENTION TIME OF THE
SLUDGE AND ENHANCE THE ABILITY OF THE FILTRATION PLANT TO MEET EPA
REQUIREMENTS. THE PROJECT SIZE IS ESTIMATED TO BE \$6.3 MILLION
DOLLARS; HOWEVER, THE ORIGINAL PRINCIPAL ISSUE AMOUNT OF THE
REVENUE BONDS WILL NOT EXCEED \$7.5 MILLION. THIS PROJECT WAS
ANTICIPATED AT THE TIME OF THE LAST SEWER RATE IN INCREASE AND,
THEREFORE, NO INCREASE IN RATES WILL BE NECESSARY TO PAY OFF THE
BONDS.

93-12-27

EFFECT OF PASSAGE SLUDGE THICKENING PROJECT WILL BE COMPLETED AND
BONDS WILL BE ISSUED SUBJECT TO OBJECTIONS PER THE ATTACHED
TIMETABLE. FILTRATION PLANT WILL MEET EPA REQUIREMENTS.

EFFECT OF NON-PASSAGE PROJECT CANNOT BE COMPLETED. CITY MAY FALL
OUT OF COMPLIANCE WITH EPA PERMITS.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

TIMETABLE

Fort Wayne Sewage Works
Junior Revenue Bonds of 1994

Introduce Preliminary Ordinance	12/28/93		
Pass Preliminary Ordinance	01/11/94		
Publish Notice of Adoption of Ordinance	01/14/94		
Objection Period Ends	02/03/94		
Introduce Bond Ordinance	01/25/94	or	02/08/94
Pass Bond Ordinance (includes approval of official statement)	02/08/94	or	02/22/94
First Publication of Bond Sale Notice	02/16/94	or	03/02/94
Second Publication of Bond Sale Notice	02/23/94	or	03/09/94
Bond Sale	03/03/94	or	03/17/94
Bond Pre-Closing	03/16/94	or	03/30/94
Bond Closing	03/17/94	or	03/31/94

NOTE: In either case, construction contracts are awarded on 3/18/94.

BILL NO. S-93-12-27

REPORT OF THE COMMITTEE ON FINANCE

CLETUS R. EDMONDS - CHAIR
DONALD J. SCHMIDT - CO-CHAIR
LUNSEY - LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) CONCERNING THE ISSUANCE
OF REVENUE BONDS OF THE SEWAGE WORKS OF THE CITY OF FORT WAYNE, OTHER
MATTERS CONNECTED THEREWITH, AND ~~REPEALING~~ ORDINANCES IN CONFLICT
THEREWITH

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

C. R. Edmonds
Donald J. Schmidt
Lunsey
D. Schmidt

DATED: 1-11-94

Sandra E. Kennedy
City Clerk